IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18558 of 1999

Dated: 13-04-2007

Between:

1. B. Rajeshwara Rao, s/o B. Bodiah and 2 others.

... Petitioners

and

1. The Mandal Revenue Officer, Rajendranagar Mandal, Rangareddy District and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that first petitioner is the owner of plot in Sy.No.369 while petitioner Nos.2 and 3 are the owners of plots in Sy.No.384 situated at Attapur village, Rajendranagar Mandal, Rangareddy District. The first petitioner is proceeding with the construction of a house in his plot and petitioner Nos.2 and 3 are proceeding with the construction of compound walls around their plots.

As first respondent, without following due process of law, has been obstructing and preventing them from making construction of house and compound walls, they filed the present writ petition seeking a *mandamus* to direct first respondent to act in accordance with law, and not to interfere with their construction activity in their plots.

3. A counter affidavit is filed wherein it is stated that the adjacent land situated in S.No.370, belongs to the Government and under the guise of making constructions in Sy.No.369, petitioners are encroaching into Sy.No.370.

4. Admittedly, petitioners are the absolute owners of the plots situated in Sy.Nos.369 and 384 of Attapur village and so long as the constructions are made in those two survey numbers, respondents have no authority whatsoever to interfere with their possession. If at all, petitioners have really encroached into Sy.No.370, which is a Government land, under the guise of making constructions in Sy.No.369, respondents have every right to interfere with the said constructions. So long as the constructions are restricted to Sy.Nos.369 and 384, the authorities have no right to interfere with petitioners' peaceful possession insofar as those survey numbers are concerned.

5. Accordingly, the writ petition is allowed directing respondents not to interfere with the construction activity of petitioners made in their plots in Sy.Nos.369 and 384 of Attapur village. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.13-04-2007
GLV